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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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			2164	

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/685,000

Applicant(s)

RUSSELL, NICK SCOTT

Examiner

Phuong-Thao Cao

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to Amendment filed on 7/6/2006.
2. Claims 1, 11, 13, 14, 16, 21 and 22 have been amended. Currently, claims 1-22 are pending.

Response to Arguments

3. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

4. Claim 9 is objected to because of the following informalities: typo "replay" on line 8. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 1 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the second applications" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation "the messaging service" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 1, 2 and 4-12 and 21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding claim 1, this claim is for a system. However, all of the elements claimed could be reasonably interpreted in light of the disclosure by an ordinary artisan as being software alone, and thus is directed to software *per se*, which is non-statutory

In order for such a software claim to be statutory, it must be claimed in combination with an appropriate medium and/or hardware to establish a statutory category of invention and enable any functionality to be realized.

This interpretation of 35 U.S.C. § 101 is consistent with the Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility, published on 26 October 2005, which can be found at http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101_20051026.pdf, particularly with respect to ANNEX IV Computer-Related Nonstatutory Subject Matter, beginning on page 50.

Claims 2 and 4-12 are rejected as incorporating the deficiencies of claim 1 upon which they depend.

Regarding claim 21, this claim recites a method of testing an application which generates messaging service messages, but fails to recite a tangible result, a requirement for compliance with the provisions of 35 U.S.C. § 101 in view of the Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility, published on 26 October 2005, which can be found at http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101_20051026.pdf, particularly with respect to ANNEX IV Computer-Related Nonstatutory Subject Matter, beginning on page 50.

For a result to be tangible, it must be more than just a thought or a computation; it must have real-world value rather than an abstract result. For instance, note that the limitation of claim 22 is not rejected, since it recites the function of displaying the data resulting from the operation to a user, whereas (for instance), claim 21 merely cites 'reading the message' as the result.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1, 4-8, 10-14 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Landfield et al. (US Patent No 5,928,333).

As to claim 1, Landfield et al. teach:

“A system for managing messages on a queue” (see Abstract, [column 2, lines 20-32] and [column 5, lines 35-45]), comprising:

“one or more first systems operable to send a plurality of messages directed to one or more second system” (see [column 1, lines 20-30], [column 2, lines 50-60] and [column 3, lines 1-3] wherein electronic mail message is sent from one computer to another);

“a messaging service system for providing the plurality of messages to the second applications through the queue” (see [column 3, lines 35-40] and [column 5, lines 20-33] wherein send mail process on each firewall host system as disclosed is equivalent to Applicant’s “messaging service system”); and

“a third system for managing messages on the queue” (see [column 2, lines 20-30] and [column 5, lines 35-50] wherein the electronic mail management system is equivalent to Applicant’s “third system”) comprising:

“a first module operable to read the plurality of messages from the queue that are not directed to the first module” (see [column 5, lines 40-50] wherein the disclosure of displaying information about each message indicates that message must be read before its information is displayed; also see [column 5, lines 65-67] wherein to save messages must include to read messages); and

“a second module operable to display the plurality of messages from the queue” (see [column 5, lines 40-55] and Fig. 3A).

As to claim 4, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Landfield et al. teach:

“further comprising a control module operable to selectively remove at least one of the plurality of messages from the queue” (see [column 5, lines 58-61], [column 6, lines 24-30 and 65-67] and Fig. 3A).

As to claim 5, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Landfield et al. teach:

“further comprising a control module operable to selectively remove each of the plurality of messages from the queue” (see [column 5, lines 58-61], [column 6, lines 24-30 and 65-67] and Fig. 3A).

As to claim 6, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Landfield et al. teach:

“wherein each of the plurality of messages includes attributes and wherein the second module is further operable to display the attributes of each of the plurality of message” (see [column 5, lines 45-55] and Fig. 3A).

As to claim 7, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Landfield et al. teach:

“wherein the plurality of messages each includes attributes and wherein the second module is operable to display sectional identifiers related to the attributes of each one of the plurality of messages” (see Fig. 3A).

As to claim 8, this claim is rejected based on arguments given above for rejected claim 7 and is similarly rejected including the following:

Landfield et al. teach:

“wherein each of attributes is displayed, by the second module, adjacent the sectional identifier associated with the attribute” (see Fig. 3A wherein each box in the table represent a sectional identifier as illustrated in Applicant’s claim language).

As to claim 10, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Landfield et al. teach:

“wherein each of the plurality of message includes a properties attribute and wherein the second module is operable to display only a portion of the properties attribute” (see [column 5, lines 45-55] and Fig. 3A wherein displayed information for each message only shows a portion of properties included in header of the message wherein header of the message is equivalent to Applicant’s “properties attribute”).

As to claim 11, this claim is rejected based on arguments given above for rejected claim 10 and is similarly rejected including the following:

Landfield et al. teach:

“wherein the second module is further operable, in response to selecting the displayed portion of the properties attribute, to display in a viewer the complete properties attribute for

viewing” (see [column 7, lines 3-10] wherein header information is equivalent to Applicant’s “complete properties attribute”).

As to claim 12, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Landfield et al. teach:

“wherein the second module is further operable to display an identifier associated with the each of the message and a delivery time related to the time the message was delivered to the messaging service” (see [column 5, lines 45-55] and Fig. 3A wherein “Queue ID” is equivalent to Applicant’s “identifier”, and “Queue Time” is equivalent to Applicant’s “delivery time”).

As to claim 13, Landfield et al. teach:

“A method for viewing messaging service messages” (see [column 2, lines 20-30] and [column 7, lines 45-65]), comprising:

“selecting a host computer implementing the messaging service” (see [column 2, lines 10-30 and 50-65] and [column 3, lines 35-45] wherein each firewall host system including send mail process and message queue is a host computer implementing the messaging service as illustrated in Applicant’s claim language; administrators can select and access any host systems to view message queues with an electronic mail management system as disclosed);

“selecting a queue supported by the messaging service” (see [column 5, lines 35-45] and Fig. 3A);

“reading a message originating from a first application and directed to a second application from the queue by a third application” (see [column 5, lines 20-65] wherein mail program that send a mail message is equivalent to Applicant’s “first application”, mail program that received a mail message is equivalent to Applicant’s “second application”, and the electronic mail management program is equivalent to Applicant’s “third application”); and

“displaying a content of the message in the third application” (see [column 5, lines 20-60] and [column 6, lines 58-61]).

As to claim 14, this claim is rejected based on arguments given above for rejected claim 13 and is similarly rejected including the following:

Landfield et al. teach:

“wherein the message includes a plurality of attributes” (see [column 5, lines 45-55] and Fig. 3A wherein each column of information represents an attribute of the message).

As to claim 21, Landfield et al. teach:

“A method of testing an application which generates messaging service messages” (see Abstract), comprising:

“running the test application” (see [column 5, lines 20-40] wherein any mail application can be a test application);

“generating a message by the test application to be sent to a second application” (see [column 5, lines 20-55] wherein mail application which sends a mail message is equivalent to

Applicant's "test application" and mail application which receives the mail message is equivalent to Applicant's "second application");

"posting the message to a queue" (see [column 5, lines 25-30]);

"selecting the queue from a third application" (see [column 5, lines 35-40] wherein the electronic mail management system is equivalent to Applicant's "third application"); and

"reading the message on the queue with the third application to verify whether the test application is operating properly" (see [column 7, lines 3-10]).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Landfield et al. (US Patent No 5,928,333).

As to claim 9, this claim is rejected based on arguments given above for rejected claim 6 and is similar rejected including the following:

Landfield et al. teach the inclusion and display of some of attributes but does not teach the inclusion and display of all of attributes as recited in Applicant's claim language.

However, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Landfield et al. to include and display all the attributes as claimed, since decisions for including and displaying any specific attributes are choices of implementation and depend on system and user requirements of a specific application.

13. Claims 2-3, 15-20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landfield et al. (US Patent No 5,928,333) as applied to claim 1, 13, 14 and 21 above, and further in view of Robinson (Publication No US 2003/0115366).

As to claim 2, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Landfield et al. do not teach “wherein the queue is supported by a java messaging service”.

Robinson teaches “wherein the queue is supported by a java messaging service” (see [0003], [0014] and [0015]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Landfield et al. by the teaching of Robinson, since implementing a queue supported by java messaging service allows a convenient and flexible way to asynchronously deliver messages because java messaging service is an asynchronous messaging system.

As to claims 3 and 15, these claims are rejected based on arguments given above for rejected claims 2 and 14 respectively, and are similarly rejected including the following:

Landfield et al. as modified do not teach “wherein the queue is on a java messaging service message server”.

Robinson teaches “wherein the queue is on a java messaging service message server” (see [0015]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Landfield et al. as modified by the teaching of Robinson, since implementing a queue on a java messaging service message server allows an effective way to asynchronously deliver messages because java messaging service message server is an asynchronous messaging server.

As to claim 16, this claim is rejected based on arguments given above for rejected claim 13 and is similarly rejected including the following:

Landfield et al. do not teach “selecting a profile identifying the host computer and having information to connect to the host computer, the profile further identifying the queue”; “logging on the host computer using the profile”, and “connecting to the queue using the profile”.

Robinson teaches:

“selecting a profile identifying a host computer and having information to connect to the host computer, the profile further identifying a queue” (see [0017]-[0019] and [0029] wherein connection factory encapsulating connection configuration information is equivalent to Applicant’s “profile”);

“logging to the host computer using the profile” (see [0017]-[0019] wherein open communication channel between an application and the messaging system is equivalent to logging as illustrated in Applicant’s claim language); and

“connecting to the queue using the profile” (see [0017]-[0019] wherein connection factory is equivalent to Applicant’s “profile” and the disclosure of using the connection factory to create a connection to a queue is equivalent to Applicant’s claim language).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Landfield et al. by the teaching of Robinson, since using profile to connect and log in the computer system and its resources (such as queue) provides effective and efficient way to access to the systems and resource as well as allows better control over resource accesses.

As to claim 17, this claim is rejected based on arguments given above for rejected claim 16 and is similarly rejected including the following:

Landfield et al. as modified teach:

“selecting a consume control determining whether to consume the messages after the message is read” (see [column 6, lines 65-67] wherein the delete command is equivalent to Applicant’s “consume control”); and

“consuming the message when the consume control has been selected to consume the message” (see [column 6, lines 65-67] and [column 7, lines 1-2]).

As to claim 18, this claim is rejected based on arguments given above for rejected claim 17 and is similarly rejected including the following:

Landfield et al. as modified teach:

“displaying attribute headings including indicia identifying attributes of the message” (see Fig. 3A wherein column headings is equivalent to Applicant’s “attribute headings”);

“displaying each of the attributes of the message adjacent one of the associated attribute headings” (see Fig. 3A).

As to claim 19, this claim is rejected based on arguments given above for rejected claim 18 and is similarly rejected including the following:

Landfield et al. as modified teach:

“displaying a portion of a properties attribute of the message” (see Fig. 3A wherein displayed information related to each message represents a portion of header of the message wherein header of the message is equivalent to Applicant’s “properties attribute”);

“selecting the properties attribute” (see [column 7, lines 3-10] for selecting headers button); and

“displaying the properties attribute in a viewer operable to view an entire text of the properties attribute of the message” (see [column 7, lines 3-10] wherein header information represents an entire text of the header of the message wherein header of the message is equivalent to Applicant’s “properties attribute”).

As to claim 20, this claim is rejected based on arguments given above for rejected claim 18 and is similarly rejected including the following:

Landfield et al. as modified teach:

“searching the message read from the queue for a string of text” (see [column 7, lines 34-45]); and

“identifying the message having text matching the string text” (see [column 7, lines 40-45]).

As to claim 22, this claim is rejected based on arguments given above for rejected claim 21 and is similarly rejected including the following:

Landfield et al. teach “displaying attributes of the message with the third application” (see [column 5, lines 35-45] and Fig. 3A wherein the electronic mail management program is equivalent to Applicant’s “third application”).

Landfield et al. do not teach “wherein the queue is supported by a java messaging service”.

Robinson teaches “wherein the queue is supported by a java messaging service” (see [0003], [0014] and [0015]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Landfield et al. by the teaching of Robinson, since implementing a queue supported by java messaging service allows a convenient and flexible way to asynchronously deliver messages because java messaging service is an asynchronous messaging system.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong-Thao Cao whose telephone number is (571) 272-2735. The examiner can normally be reached on 8:30 AM - 5:00 PM (Mon - Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PTC

September 8, 2006


Primary Examiner
Art Unit 2167